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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,742	07/10/2003	Johannes Maria Zandvliet	702-030799	2770

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EXAMINER
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VINCENT, SEAN E

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/616,742

Applicant(s)

ZANDVLIET ET AL.

Examiner

Sean E. Vincent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 44-71 is/are pending in the application.
- 4a) Of the above claim(s) 44-47 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 48-63 is/are allowed.
- 6) ☒ Claim(s) 64-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/380,240.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 44-47 remain withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.
2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### *Priority*

3. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:
4. The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).
5. The figurine temperature being higher than that of the glass feature in the present claims were not supported by the disclosure of this application or the parent application.

***Specification***

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The feature described above was not supported by the specification.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claim 66 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The feature described above was not supported by the specification.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 65 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hollister, Jr.

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Hollister, Jr. taught methods of manufacturing glass articles by providing a mass of molten glass, carrying the glass to the mold cavity, providing glazed clay figurines, pouring a first portion of glass into a lower mold, placing the figurine in the mold, pouring a second portion of glass onto the first portion, pressing the glass with an upper mold, and "baking" ( see page 255, line 18 to page 257, the figure). Hollister, Jr. also taught that heating of the clay figurines had been known (see paragraph bridging pages 256 and 257).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claim 64 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hollister, Jr. The products disclosed by Hollister, Jr on page 256 appear to be identical to the claimed product.

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14. Claims 66 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hollister, Jr .

15. Hollister, Jr did not teach that the figurines were at a higher temperature than the glass into which they were being inserted. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to expect that the temperature of the figurines that were heated in Hollister, Jr would not be exactly the same as the temperature of the glass. There would have been a high likelihood that the figurines heated in Hollister, Jr were actually a few degrees hotter than the glass when at least some of the figurines were being inserted.

16. Hollister, Jr did not teach the use of a mold with a cover and a plurality of bottoms. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate as many bottom molds as necessary to maintain a steady molding pace.

17. Claims 68-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollister, Jr. in view of Dominitz et al (US 5895512).

18. Hollister, Jr. did not teach omnidirectional rolling and cooling. Dominitz et al teaches methods of making glass spheres containing enameled porcelain objects wherein glass gobs are rolled between lead screws and on a free rolling guide (see col. 5, lines 39-49). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to cool and form the glass spheres of Hollister, Jr. on lead screws and a free rolling guide instead of cooling the spheres in the molds because Dominitz et al teaches that the balls leaving the free rolling guide had a "more or less perfect shape and surface finish".

19. Hollister, Jr. and Dominitz et al do not teach polishing the formed spheres, per se.

Dominitz et al disclosed the use of a "free rolling guide" to further shape the spheres after the

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rollers. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to polish the spheres after forming because it would have enhanced the shape of the spheres and "polishing" was well known in the glass arts.

20. Hollister, Jr and Dominitz et al did not teach flame polishing. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to flame polish the glass spheres because such a step was very well known in the art.

21. Hollister, Jr and Dominitz et al did not teach heating the objects. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to heat the objects since flame polishing required the use of a flame that re-heated the surface of the objects.

***Allowable Subject Matter***

22. Claims 48-63 are allowed.

23. The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach or fairly suggest mass production methods as claimed wherein molten glass was divided into successive portions, the portions were guided to a mold, at least one figurine was enclosed in the glass portion to form a glass mass with a figurine therein, and the mass was removed from the mold and modeled with omnidirectional rolling and cooling, as claimed. Hollister Jr. would have required more than a simple up-scaling to mass produce the enclosed figurine masses as claimed.



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***Conclusion***

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean E. Vincent whose telephone number is (571) 272-1194.

The examiner can normally be reached on M - F (8:30 - 6:00).

25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sean E Vincent  
Primary Examiner  
Art Unit 1731

S Vincent  
September 7, 2006